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C O N F I D E N T I A L SECTION 01 OF 02 TBILISI 000082

SIPDIS

DEPT FOR EUR/CARC

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TAGS: PGOV PREL MOPS KBTS RU GG
SUBJECT: GEORGIA: MOD CLOSE TO SIGNING MOU WITH EUMM

REF: A. 08 TBILISI 2118
1B. 08 TBILISI 2458
1C. STATE 3291

Classified By: Ambassador John F. Tefft for Reasons 1.4 (b) and (d).

11. (U) This is an action cable. Please see paragraph 5.

12. (C) Summary and comment. On January 14, Deputy Defense Minister Giorgi Muchaidze summoned PolOff and Acting DATT to explain the government's position on a draft agreement with the EU Monitoring Mission (EUMM) and seek U.S. comment. The Ministry is ready to sign, but is awaiting a response from the EUMM on a few proposed changes. According to the agreement, the Ministry voluntarily agrees to limit military activity in zones around Abkhazia and South Ossetia and to inform the EUMM of all significant tactical exercises. The two sides have agreed on the basic parameters of the agreement, including the definition of the zones. The major change proposed by the Ministry is to split the agreement in two, with one agreement on South Ossetia and one on Abkhazia; it is prepared to sign the South Ossetia agreement now, but wants to wait on the Abkhazia agreement pending a decision by February 15 on the future of the UN Observer Mission to Georgia (UNOMIG). Post does not see any major disadvantage for Georgia in signing and sees potential political benefit if we can work with the EU to use the agreement to put pressure on Russia to follow suit. Post requests Department guidance on responding to the Georgian request for U.S. comment. End summary and comment.

THE SHAPE OF THE AGREEMENT

13. (C) Muchaidze, along with Head of the Ministry's Analytical Department David Nardaia (who worked on the text), summoned EmbOffs to present the latest draft of the proposed Memorandum of Understanding (MOU) negotiated between the Ministry of Defense and the EUMM (draft text emailed to EUR/CARC). The two-page document takes as its point of departure the Six-Point Agreement (August 12 cease-fire), in particular Georgia's commitment as part of that agreement to "abstain from recourse to the use of force." The MOU bars the Ministry from "any significant movement or re-deployment of its units of Battalion strength or greater and all artillery and mortars with a calibre of 120mm or more, and more than 5 armoured vehicles with a calibre more than 60mm but less than 120mm" in zones around the conflict areas. It commits the Ministry to informing the EUMM of any "tactical exercises . . . larger than a Battalion in strength" at least 48 hours in advance, and it allows the EUMM to visit "the sites of permanent dislocations of MOD armed forces" with 24-hour prior notice. The declaration of a state of emergency by the government automatically terminates the agreement. Also, either party can terminate the agreement.

with one week's notice (this provision has not been agreed to by the EUMM, but the Ministry does not expect it to be controversial.) Once signed, the MOU will be made public.

THE ZONES

¶4. (C) The zone around South Ossetia, already agreed by both sides, is defined most precisely on a map annex to the MOU. It is a rough rectangle surrounding South Ossetia, defined on the west by a straight north-south line running through Oni and Sachkere, on the south by a line roughly following but just north of the east-west-highway, and on the east by the Mchadidjvari-Dusheti-Ananuri Road and the Georgian Military QMchadidjvari-Dusheti-Ananuri Road and the Georgian Military Highway. Significantly it does not include the east-west highway or the Military Highway themselves.

¶5. (C) The zone around Abhazia is a 15 kilometer-wide band opposite the Abkhaz side of the administrative boundary. Although the EUMM had originally proposed a 20 kilometer band, the Ministry decided the extra five kilometers would create an unacceptable delay for responses to attacks at the boundary. Muchaidze noted specific concern over the portions of land outside Abkhazia but north of the Enguri River near Gahmukhuri and Khurcha (see ref B). The extra five kilometers would also include the port of Kulevi, which the Ministry likewise found unacceptable. Although it is in principle ready to accept this zone, the Ministry has decided to reserve its final decision until a decision on the future of UNOMIG is made.

HEY PARTNER -- WHAT DO YOU THINK?

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¶5. (C) Muchaidze said the Ministry is ready to sign the document immediately, pending the EUMM's response to its proposed changes (in particular the proposal to split the MOU in two). He added, however, the Ministry wanted to inform the United States, as Georgia's new strategic partner (ref C), of the pending agreement and seek any comments and recommendations that the U.S. might have, to include whether or not to sign the agreement. Post therefore requests Department guidance on a suitable response. Paragraphs 6-8 contain post's thoughts.

COMMENT -- MORE PLUSES THAN MINUSES

¶6. (C) Any country would naturally pause before unilaterally and voluntarily limiting its own sovereign right to deploy its defense forces anywhere on its own territory at any time, without having to inform anyone. Nevertheless, Georgia faces unusual circumstances, including the presence of nearly 8,000 (and possibly more) foreign troops on its own territory, and it seems to understand that there are potential benefits to showing flexibility to prevent further violence and ultimately promote a peaceful resolution of the current situation. There is a risk that domestic political critics will portray the MOU -- and its (largely symbolic) relinquishing of sovereignty -- as a sign of weakness. The government seems to have determined that any limitations this MOU places on the Ministry, along with any domestic political risks, will be offset by the potential gains in cooperation with the EUMM and the broader international community.

¶7. (C) Furthermore, an analysis of the limitations accepted by the Ministry indicates that, in practice, the Ministry is not imposing on itself any truly onerous requirements. Although battalion-strength units and artillery above 120mm are barred from the zones, smaller units and artillery are not, and the zones are sufficiently narrow to allow rapid movements of the larger units and equipment if necessary. Additionally, in an extreme situation, the government can cancel the agreement. Finally, as a non-binding MOU, the agreement does not impose any legal constraints on the Ministry; only political ones. If a situation arose in which

the Ministry felt it had to cancel or even beach the terms of the agreement, the government would probably be facing larger political concerns than its good terms with the EUMM.

¶ 8. (C) Post believes that the potential benefits to Georgia outweigh the potential risks. For Georgia to reap those benefits, however, the EUMM will need to approach Russia with a proposal for a similar agreement on the Abkhaz and South Ossetia sides of the boundaries -- and share with the international community Russia's response. According to Muchaidze, the EUMM has already proposed such an arrangement with Russia, and the latter responded with a completely unacceptable counter-proposal that would commit Russia only to informing the EUMM of any movements outside Abkhazia and South Ossetia. (The EUMM has not informed post of such a proposal to the Russians.) Although the MOU's risks for Georgia are minimal on an operational level, it does represent a restriction on Georgia's own sovereignty, and it does therefore carry domestic political risks. Georgia's flexibility deserves recognition, as does its re-commitment to the non-use of force -- a concession the Russians, South Oto the non-use of force -- a concession the Russians, South Ossetians and Abkhaz seem unable to provide. If we recommend that Georgia sign this MOU, we should be ready to take the steps necessary to help Georgia reap the rewards.

TEFFT